

JUDGE STEIN UNITED STATES DISTRICT COURT

SOUTHERN District of NEW YORK

Those Certain Companies and Those Certain
Underwriters at Lloyds, London,
Subscribing Severally but not Jointly to Policy of
Insurance Certificate Number NA3471501,
as Subrogors of David Morris International Limited,

SUMMONS IN A CIVIL CASE

Plaintiff,

CASE NUMBER:

v.

6.21 CARAT DIAMOND,

Defendant-in-Rem.

JAY WALDMANN,

Claimant-Defendant,

08 CV 02006

TO: (Name and address of Defendant)

**Jay Waldmann
25 Main Street
Southampton, New York 11968**

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

**Aidan M. McCormack (AMM 3017)
Sarah Anne Kutner (SAK 6516)
Nixon Peabody LLP
437 Madison Avenue
New York, New York 10022**

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE

FEB 28 2008

(By )

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICEService of the Summons and complaint was made by me⁽¹⁾

DATE

MARCH 19, 2008

NAME OF SERVER (PRINT)

JOSEPH A. RAMOS

TITLE

PARALEGAL / PROCESS SERVER

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): PERSONALLY SERVED MARTIN M. BELL AN OFFICER OF BELL and COMPANY LLP, THE COMPANY AND ADDRESS DESIGNATED FOR SERVICE OF PROCESS FOR WALDMANN, INC.

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 3/27/08
Date

Joseph Ramos
Signature of Server

32-15 UTOPIA PKWY, FLUSHING NY 11358
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Those Certain Companies and Those Certain
Underwriters at Lloyds, London,
Subscribing Severally but not Jointly to Policy of
Insurance Certificate Number NA3471501,
as Subrogors of David Morris International Limited,

Plaintiff,

v.

6.21 CARAT DIAMOND,

Defendant-in-Rem,

JAY WALDMANN,

Claimant-Defendant,

**AFFIDAVIT OF
SERVICE**

**Case Number:
08-CV-02006**

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

JOSEPH RAMOS, being duly sworn, deposes and says:

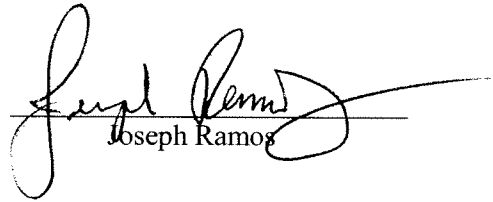
That deponent is not a party to the action, is over 18 years of age and resides in Flushing County, New York.

That on the 5th day of March, 2008, I went to 25 Main Street, Southampton, NY 11968 and made my first attempt to personally serve a true copy of the within **Civil Cover Sheet, SDNY Summons & Complaint with supporting documents, 7.1 Disclosure Statement and Individual Judge Rules**, but could not do so because the premises were locked, no one was there and the premises appeared to have been completely vacated by the tenant, Waldman, Inc. Upon researching the New York State Department of State Division of Corporations database, a process address of 15 East 26th Street, Suite 1605, New York, New York, 10010 was obtained for Waldmann, Inc. A copy of the New York State Department of State Division of Corporations print out is annexed hereto as **Exhibit "A"**.

That on the 10th day of March, 2008, I went to 15 East 26th Street, Suite 1605, New York, New York, 10010 and made my second attempt to personally serve a true copy of the within **Civil Cover Sheet, SDNY Summons & Complaint with supporting documents, 7.1 Disclosure Statement and Individual Judge Rules**, on Bell & Company LLP, the company and address designated for service of process with the New York State Department of State Division of Corporations, but could not do so because the premises had relocated. Upon researching the internet, a new address with obtained for Bell

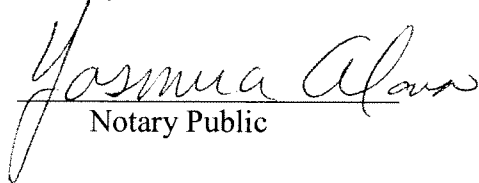
& Company LLP. A copy of the New York State Department of State Division of Corporations print out listing Bell & Company LLP, as the company and address designated for service of process is annexed hereto as **Exhibit "B"**

On the 19th day of March, 2008, I went to 350 5th Avenue, Suite 7412, New York, New York 11018 and served a true copy of the within **Civil Cover Sheet, SDNY Summons & Complaint with supporting documents, 7.1 Disclosure Statement and Individual Judge Rules**, on Martin M. Bell, CPA, (Male, White Skin, Gray Hair, 51-65 Yrs., 5'4"-5'9", 160-200 Lbs.) an officer of Bell & Company LLP, and a person of suitable age and discretion, authorized to accept service on behalf of Waldmann, Inc.



Joseph Ramos

Sworn to before me this
26th day of March, 2008



Yasmira Alonso
Notary Public

YASMIRA ALONSO
NOTARY PUBLIC, State of New York
No. 4991549
Qualified in Nassau County
Commission Expires February 3, 2010

EXHIBIT “A”

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: WALDMANN, INC.

Selected Entity Status Information

Current Entity Name: WALDMANN, INC.

Initial DOS Filing Date: DECEMBER 16, 1996

County: NEW YORK

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

JUNDRICH WALDMANN
C/O BELL & COMPANY
15 E 26TH ST RM 1605
NEW YORK, NEW YORK, 10010

Chairman or Chief Executive Officer

JINDRICH WALDMANN
C/O BELL & COMPANY LLP
15 E 26TH ST STE 1605
NEW YORK, NEW YORK, 10010-1599

Principal Executive Office

WALDMANN, INC.
C/O BELL & COMPANY LLP
15 E 26TH ST STE 1605
NEW YORK, NEW YORK, 10010-1599

Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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EXHIBIT “B”

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: BELL & COMPANY, INC.

Selected Entity Status Information

Current Entity Name: BELL & COMPANY, INC.
Initial DOS Filing Date: JANUARY 24, 1992
County: NEW YORK
Jurisdiction: NEW YORK
Entity Type: DOMESTIC BUSINESS CORPORATION
Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

MARTIN M. BELL
15 E. 26TH STREET
(STE. 1605)
NEW YORK, NEW YORK, 10010-1599

Chairman or Chief Executive Officer

MARTIN M. BELL
15 E. 26TH STREET
(STE. 1605)
NEW YORK, NEW YORK, 10010-1599

Principal Executive Office

BELL & COMPANY, INC.
15 E. 26TH STREET
(STE. 1605)
NEW YORK, NEW YORK, 10010-1599

Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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